



General Assembly

February Session, 2002

Amendment

LCO No. 3372

SB0046503372SD0

Offered by:

SEN. DAILY, 33rd Dist.

REP. DAVIS, 50th Dist.

To: Subst. Senate Bill No. 465

File No. 188

Cal. No. 154

**"AN ACT CONCERNING WASTEWATER DISCHARGES IN
DRINKING WATER SUPPLY WATERSHEDS."**

1 Strike out lines 1 to 81, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 22a-430 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2002*):

6 (b) The commissioner, at least thirty days before approving or
7 denying a permit application for a discharge, shall publish once in a
8 newspaper having a substantial circulation in the affected area notice
9 of (1) the name of the applicant; (2) the location, volume, frequency
10 and nature of the discharge; (3) the tentative decision on the
11 application, and (4) additional information the commissioner deems
12 necessary to comply with the federal Clean Water Act (33 USC 1251 et
13 seq.). There shall be a comment period following the public notice
14 during which period interested persons and municipalities may

15 submit written comments. After the comment period, the
16 commissioner shall make a final determination either that (A) such
17 discharge would not cause pollution of any of the waters of the state,
18 in which case he shall issue a permit for such discharge, or (B) after
19 giving due regard to any proposed system to treat the discharge, that
20 such discharge would cause pollution of any of the waters of the state,
21 in which case he shall deny the application and notify the applicant of
22 such denial and the reasons therefor, or (C) the proposed system to
23 treat such discharge will protect the waters of the state from pollution,
24 in which case he shall, except as provided pursuant to subsection (j) of
25 this section, require the applicant to submit plans and specifications
26 and such other information as he may require and shall impose such
27 additional conditions as may be required to protect such water, and if
28 the commissioner finds that the proposed system to treat the
29 discharge, as described by the plans and specifications or such other
30 information as may be required by the commissioner pursuant to
31 subsection (j) of this section, will protect the waters of the state from
32 pollution, he shall notify the applicant of his approval and, when such
33 applicant has installed such system, in full compliance with the
34 approval thereof, the commissioner shall issue a permit for such
35 discharge, or (D) the proposed system to treat such discharge, as
36 described by the plans and specifications, will not protect the waters of
37 the state, in which case he shall promptly notify the applicant that its
38 application is denied and the reasons therefor. No permit shall be
39 issued for an alternative on-site sewage treatment system, as defined in
40 the Public Health Code, in a drinking water supply watershed unless
41 the commissioner determines that such system is the only feasible
42 solution to an existing pollution problem and that the proposed system
43 capacity does not exceed the capacity of the failed on-site system. The
44 commissioner shall, by regulations adopted in accordance with the
45 provisions of chapter 54, establish procedures, criteria and standards
46 as appropriate for determining if (i) a discharge would cause pollution
47 to the waters of the state, and (ii) a treatment system is adequate to
48 protect the waters of the state from pollution. Such procedures, criteria
49 and standards may include schedules of activities, prohibitions of

50 practices, operating and maintenance procedures, management
51 practices and other measures to prevent or reduce pollution of the
52 waters of the state, provided the commissioner in adopting such
53 procedures, criteria and standards shall consider best management
54 practices. The regulations shall specify the circumstances under which
55 procedures, criteria and standards for activities other than treatment
56 will be required. For the purposes of this section, "best management
57 practices" means those practices which reduce the discharge of waste
58 into the waters of the state and which have been determined by the
59 commissioner to be acceptable based on, but not limited to, technical,
60 economic and institutional feasibility. Any applicant, or in the case of a
61 permit issued pursuant to the federal Water Pollution Control Act, any
62 person or municipality, who is aggrieved by a decision of the
63 commissioner where an application has not been given a public
64 hearing shall have the right to a hearing and an appeal therefrom in
65 the same manner as provided in sections 22a-436 and 22a-437. Any
66 applicant, or in the case of a permit issued pursuant to the federal
67 Water Pollution Control Act, any person or municipality, who is
68 aggrieved by a decision of the commissioner where an application has
69 been given a public hearing shall have the right to appeal as provided
70 in section 22a-437. The commissioner may, by regulation, exempt
71 certain categories, types or sizes of discharge from the requirement for
72 notice prior to approving or denying the application if such category,
73 type or size of discharge is not likely to cause substantial pollution.
74 The commissioner may hold a public hearing prior to approving or
75 denying any application if in his discretion the public interest will be
76 best served thereby, and he shall hold a hearing upon receipt of a
77 petition signed by at least twenty-five persons. Notice of such hearing
78 shall be published at least thirty days before the hearing in a
79 newspaper having a substantial circulation in the area affected."